

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

SKANSKA USA BUILDING, INC.  
Plaintiff,

v.

THE HARTFORD ROOFING COMPANY,  
INC. and ST. PAUL FIRE & MARINE  
INSURANCE COMPANY, INC. d/b/a  
ST. PAUL SURETY  
Defendants.

CIVIL ACTION NO. 04-12538-DPW

**JOINT STATEMENT PURSUANT TO LOCAL RULE 16.1(D)**

Counsel for the Plaintiff, Skanska USA Building, Inc. ("Skanska"), and counsel for the Defendant, St. Paul Fire & Marine Insurance Company, Inc. ("St. Paul") and the Hartford Roofing Company, Inc. ("Hartford"), have conferred, and now submit this Joint Statement in accordance with Local Rule 16.1(D)

**I. Proposed Schedule of Discovery Deadlines**

Each party will make its initial disclosures pursuant to Fed.R.Civ.P. 26(a)(1) by April 7, 2005.

All fact discovery, including depositions, interrogatories, document requests and requests for admissions, will be completed by October 31, 2005.<sup>1</sup>

The Parties propose that plaintiff's expert disclosures shall be served by December 16, 2005, followed by defendant's expert disclosures on January 16, 2006. All expert discovery shall be completed by February 15, 2006.

The Parties do not believe that phased discovery is appropriate in this action.

---

<sup>1</sup> All written discovery, including admissions, interrogatories, and production requests, shall be served so that the responses are due by October 31, 2005.

**II. Proposed Schedule for Filing of Motions.**

All motions under Fed.R.Civ.P. 56 shall be filed by April 18, 2006. The oppositions to any motion for summary judgment shall be filed within twenty-one (21) days after the motion is filed. All requests for leave to file reply memorandum must be submitted to the Court within fourteen (14) days after the service of opposition to any motion for summary judgment.

**III. Certifications Signed by Counsel and Authorized Party Representatives**

Attached at Tab A are the Parties respective Local Rule 16.1(D)(3) certifications.

Respectfully submitted,

PLAINTIFF, SKANSKA USA  
BUILDING, INC.

By its attorneys,  
HOLLAND & KNIGHT LLP

DEFENDANT, ST. PAUL FIRE &  
MARINE INSURANCE, INC. d/b/a  
ST. PAUL SURETY

By its attorneys,  
CETRULO & CAPONE LLP

By: /s/ Brett D. Carroll  
Stanley A. Martin (BBO #543937)  
Brett D. Carroll (BBO #640569)  
10 St. James Avenue  
Boston, MA 02116  
Tel: 617-523-2700  
Fax: 617-523-6850

By: /s/ Thomas H. Hayman  
Thomas H. Hayman (BBO #557279)  
Eric H. Loeffler (BBO #641289)  
2 Seaport Lane  
World Trade Center East 10<sup>th</sup> Floor  
Boston, MA 02210  
Tel: 617-217-5500  
Fax: 617-217-5200

Dated: March 10, 2005

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

SKANSKA USA BUILDING, INC.  
Plaintiff,

v.

THE HARTFORD ROOFING COMPANY,  
INC. and ST. PAUL FIRE & MARINE  
INSURANCE COMPANY, INC. d/b/a  
ST. PAUL SURETY  
Defendants.

CIVIL ACTION NO. 04-12538-DPW

**CERTIFICATION OF PLAINTIFF UNDER LOCAL RULE 16.1(D)(3)**

This is to certify that counsel for the plaintiff in this matter have conferred with an authorized representative of the plaintiff regarding: (1) a budget for the approximate costs of conducting either the full course, or various alternative courses, of this litigation; and (2) the possibility of resolving this litigation through the use of alternative dispute resolution programs such as set forth in Local Rule 16.4. The undersigned hereby affirms the preceding.

SKANSKA USA BUILDING, INC.	PLAINTIFF, SKANSKA USA BUILDING, INC.
	By its attorneys, HOLLAND & KNIGHT LLP
By: _____ Michael Benedetto Senior Project Manager Skanska USA Building, Inc.	By: <u>/s/ Brett D. Carroll</u> Stanley A. Martin (BBO #543937) Brett D. Carroll (BBO #640569) 10 St. James Avenue Boston, MA 02116 Tel: 617-523-2700 Fax: 617-523-6850

Dated: March \_\_, 2005

# 2617834\_v1

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

SKANSKA USA BUILDING, INC.  
Plaintiff,

v.

THE HARTFORD ROOFING COMPANY,  
INC. and ST. PAUL FIRE & MARINE  
INSURANCE COMPANY, INC. d/b/a  
ST. PAUL SURETY  
Defendants.

CIVIL ACTION NO. 04-12538-DPW

**ST. PAUL FIRE & MARINE INSURANCE COMPANY, INC. d/b/a**  
**ST. PAUL SURETY'S CERTIFICATION PURSUANT**  
**TO LOCAL RULE 16.1**

The undersigned counsel and an authorized representative of St. Paul Fire & Marine Insurance Company, Inc. d/b/a St. Paul Surety hereby certify that they have conferred:

- a. with a view to establishing a budget for the costs of conducting the full course --  
and various alternative courses -- of the litigation; and
- b. to consider the resolution of the litigation through the use of alternative dispute resolution programs such as those outlined in Local Rule 16.4.

Respectfully submitted,

DEFENDANT, ST. PAUL FIRE &  
MARINE INSURANCE, INC. d/b/a  
ST. PAUL SURETY

By its attorneys,  
CETRULO & CAPONE LLP

Thomas H. Hayman (BBO #557279)

Eric H. Loeffler (BBO #641289)

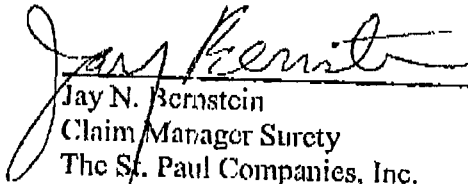
2 Seaport Lane

World Trade Center East 10<sup>th</sup> Floor

Boston, MA 02210

Tel: 617-217-5500

Fax: 617-217-5200

  
Jay N. Bernstein

Claim Manager Surety

The St. Paul Companies, Inc.

111 Schilling Road

Hunt Valley, MD 21031

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

SKANSKA USA BUILDING, INC.  
Plaintiff,

**V.**

**THE HARTFORD ROOFING COMPANY,  
INC. and ST. PAUL FIRE & MARINE  
INSURANCE COMPANY, INC. d/b/a  
ST. PAUL SURETY**  
**Defendants.**

CIVIL ACTION NO. 04-12538-DPW

**CERTIFICATION OF PLAINTIFF UNDER LOCAL RULE 16.1(D)(3)**

This is to certify that counsel for the plaintiff in this matter have conferred with an authorized representative of the plaintiff regarding: (1) a budget for the approximate costs of conducting either the full course, or various alternative courses, of this litigation; and (2) the possibility of resolving this litigation through the use of alternative dispute resolution programs such as set forth in Local Rule 16.4. The undersigned hereby affirms the preceding.

**SKANSKA USA BUILDING, INC.**

By:

**Michael Benedetto**  
Senior Project Manager  
Skanska USA Building, Inc.

PLAINTIFF, SKANSKA USA  
BUILDING, INC.

By its attorneys,  
**HOLLAND & KNIGHT LLP**

**By:**

/s/ Brett D. Carroll  
Stanley A. Martin (BBO #543937)  
Brett D. Carroll (BBO #640569)  
10 St. James Avenue  
Boston, MA 02116  
Tel: 617-523-2700  
Fax: 617-523-6850

Dated: March 4, 2005